

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2180

STATE OF NEW JERSEY

ADOPTED MARCH 3, 1997

Sponsored by Assemblyman BAGGER and
Assemblywoman VANDERVALK

1 AN ACT concerning funding for community mental health and
2 developmental disability services and supplementing Title 30 of the
3 Revised Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. This act shall be known and may be cited as the "Community
9 Mental Health and Developmental Disability Services Investment Act."

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11 2. The Legislature finds and declares that:

12 a. It is desirable for persons with serious mental illness, including
13 children and adolescents with serious emotional disturbances, as well
14 as persons with developmental disabilities, to receive treatment in their
15 home community;

16 b. The availability of a range of community-based services will
17 enable many persons who might otherwise require continued
18 institutionalization to return to the community and allow the State to
19 reduce its longstanding reliance on State inpatient care for adults with
20 serious mental illness, and children and adolescents with serious
21 emotional disturbances, as well as persons with developmental
22 disabilities. As more services are provided at the local level, there is
23 a compelling State interest in assuring that these services are
24 coordinated and that resources are provided throughout the State; and

25 c. As expenditures for State inpatient resources are reduced,
26 additional funding should be invested in community-based mental
27 health services for persons with serious mental illness, including
28 children and adolescents with serious emotional disturbances, as well
29 as community-based services for persons with developmental
30 disabilities.

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32 3. As used in this act:

33 "Children and adolescents with serious emotional disturbances"
34 means individuals under 18 years of age who meet criteria established

1 by the commissioner, which shall include children and adolescents who
2 are in psychiatric crisis, or children and adolescents who have a
3 designated diagnosis of mental illness under the most recent edition of
4 the Diagnostic and Statistical Manual of Mental Disorders and whose
5 severity and duration of mental illness result in substantial functional
6 disability.

7 "Commissioner" means the Commissioner of Human Services.

8 "Community mental health and developmental disability services"
9 means services for persons with serious mental illness, or for persons
10 with developmental disabilities; including:

11 a. services which are directed toward the alleviation of a
12 developmental disability or mental illness, or toward the social,
13 personal, physical or economic habilitation or rehabilitation of a
14 person with a developmental disability or mental illness, and provided
15 by an agency or program approved by the commissioner; and

16 b. other services as approved by the commissioner.

17 "Department" means the Department of Human Services.

18 "Developmental disability" means a developmental disability as
19 defined in the "Developmentally Disabled Rights Act," P.L.1977, c.82
20 (C.30:6D-1 et seq.).

21 "Facility" means a State psychiatric hospital or developmental
22 center operated by the department.

23 "Persons with serious mental illness" means individuals who meet
24 criteria established by the commissioner, which shall include persons
25 who are in psychiatric crisis, or persons who have a designated
26 diagnosis of mental illness under the most recent edition of the
27 Diagnostic and Statistical Manual of Mental Disorders and whose
28 severity and duration of mental illness result in substantial functional
29 disability. Persons with serious mental illness shall include children
30 and adolescents with serious emotional disturbances.

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32 4. a. The commissioner shall take such actions as are necessary
33 to ensure that when a mental health facility closes that all funds be
34 redirected to services in the community or other institution thereby
35 increasing the State's financial support to community and institutional
36 mental health services for its citizens.

37 b. The commissioner shall develop a plan to ensure distribution of
38 funding between community and institutional programs is adequate to
39 meet the needs of those discharged to community programs or
40 transferred to other State facilities.

41 c. The commissioner shall ensure that when individuals with a
42 developmental disability move into the community from a
43 developmental center affected by a significant service reduction,
44 funding utilized for the individual in the developmental center shall be
45 used to fund the individual's community placement.

46 d. Any funding from the developmental center placement not

1 needed to fully fund the community placement for that individual shall
2 be directed toward the reduction of the waiting list for services in the
3 Division of Developmental Disabilities in the department.

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5 5. All monies received by the State from the sale of facility
6 property shall be earmarked exclusively for capital and equipment
7 costs associated with the development of community placement for
8 persons with serious mental illness or developmental disabilities,
9 according to criteria to be established by the commissioner.

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11 6. The commissioner, pursuant to the "Administrative Procedure
12 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
13 regulations to effectuate the purposes of this act.

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15 7. This act shall take effect immediately.

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20 "Community Mental Health and Developmental Disability Services
21 Investment Act."